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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ALLU FINLAND OY LTD., **Plaintiff,** **v.** **ROCK TOOLS EQUIPMENT LLC and ROCK TOOLS ATTACHMENTS LLC,** **Defendants.**	Civil Action No. **COMPLAINT**

COMPLAINT AND JURY DEMAND

Plaintiff Allu Finland Oy Ltd. ("Allu Finland"), for its Complaint for patent infringement against defendants Rock Tools Equipment LLC and Rock Tools Attachments LLC (collectively, "Rock Tools"), alleges as follows:

THE PARTIES

1. Plaintiff Allu Finland Oy Ltd. is a company organized and existing under the laws of Finland with its principal place of business located in Orimattila, Finland. Allu Finland owns

a subsidiary company in the United States, Allu Group Inc. Allu Group Inc. is a corporation organized and existing under the laws of the state of New Jersey with its principal place of business located in Teterboro, New Jersey.

2. Upon information and belief, defendant Rock Tools Equipment LLC is a limited liability company organized and existing under the laws of the state of Colorado with its principal place of business located in Denver, Colorado.

3. Upon information and belief, defendant Rock Tools Attachments LLC is a limited liability company organized and existing under the laws of the state of Colorado with its principal place of business located in Denver, Colorado

JURISDICTION AND VENUE

4. This action arises under the patent laws of the United States, 35 U.S.C. § 1 *et seq*. This Court has jurisdiction over the subject matter of the claims asserted in this action under 28 U.S.C. §§ 1331 and 1338(a).

5. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391 and 1400. On information and belief, Rock Tools has transacted business in this district, and has committed and/or induced acts of patent infringement in this district.

6. On information and belief, Rock Tools is subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the New Jersey Long Arm Statute, due at least to its substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in New Jersey and in this district.

COUNT ONE - INFRINGEMENT OF U.S. PATENT NO. 7,954,263

7. Allu Finland is in the business of designing, manufacturing, marketing, and selling fine screening, screening and crushing, and stabilizing equipment for environmental care, improving recycling methods and the processing of different soils and materials.

8. Allu Finland is the owner by assignment of United States Patent No. 7,954,263 (the '263 patent), which was duly and legally issued by the United States Patent and Trademark Office on June 7, 2011, for an invention entitled "Screening, Crushing, or Mixing Bucket" (Copy attached as ***Exhibit A***).

9. The '263 patent is valid and enforceable.

10. The '263 patent grants Allu Finland the exclusive right to make, use, offer for sale, and/or sell the screening, crushing, and mixing bucket incorporating the inventions disclosed therein.

11. Rock Tools owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '263 patent.

12. The '263 patent provides, among other things, "[a] screening, crushing or mixing bucket of an excavating machine or bucket loader, comprising: a bottom plate; side walls; working drums comprising shafts, wherein the working drums disposed at a back of the bucket are rotatable about the shafts, and wherein the working drums are configured to screen, crush or mix material in the bucket as the working drums rotate and at the same time deliver screened, crushed or mixed material out of the bucket, between or through the working drums; and casings for a power transmission and bearings of the working drums, the casings being limited by frame plates to which bearing housings of the working drums are attachable, wherein: the frame plates are between external side walls of the casings, the frame plates have receiving and fastening formings for the working drums at a distance from the external side walls, and the receiving and

fastening formings include backwards opening working drum receiving openings into which the working drums with the bearings can be positioned through a rear side of the bucket."

13. Allu Finland has conducted an investigation of Rock Tools' "Crushing/Screening Buckets," including through an in-person inspection of Rock Tools' products on March 9, 2017 at the CONEXPO-CON/AGG 2017 trade show, as well as a review of available marketing materials and promotional videos. On information and belief, Allu Finland inspected the Rock Tools model RTB20 and/or RTB25 Crushing/Screening Bucket on March 9, 2017.

14. Rock Tools directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '263 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Rock Tool's "Crushing/Screening Buckets," including at least models RTB20 and RTB25, infringe at least Claim 1 of the '263 patent.

15. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Rock Tools has injured Allu Finland and is thus liable for infringement of the '263 patent pursuant to 35 U.S.C. § 271.

16. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products are screening, crushing or mixing buckets that attach to an excavating machine or bucket loader.

17. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have a bottom plate.

18. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have side walls.

19. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have working drums comprising shafts, wherein the working drums are disposed at the back of the bucket and are rotatable about the shafts.

20. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have working drums that are configured to screen, crush or mix material in the bucket as the working drums rotate and at the same time deliver screened, crushed or mixed material out of the bucket, between or through the working drums.

21. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have casings for a power transmission and bearings of the working drums, and the casings are limited by frame plates to which bearing housings of the working drums are attachable.

22. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have frame plates between external side walls of the casings, and the frame plates have receiving and fastening formings for the working drums at a distance from the external side walls.

23. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have receiving and fastening formings that include backwards opening working drum receiving openings into which the working drums with the bearings can be positioned through a rear side of the bucket.

24. In the alternative, because the manner of use by Rock Tools differs in no substantial way from language of the claims, if Rock Tools is not found to literally infringe, Rock Tools infringes under the doctrine of equivalents.

25. Rock Tools' aforesaid activities have been without authority and/or license from Allu Finland.

26. Allu Finland is entitled to recover from Rock Tools the damages sustained by Allu Finland as a result of the Rock Tools' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

27. Allu Finland provided a hard copy of the '263 patent to Michael Price, Manager of Rock Tools. As such, Rock Tools has been and is aware of the '263 patent and Rock Tools' infringement has been and continues to be in total disregard of Allu Finland's exclusive rights under the '263 patent.

28. Rock Tools' infringement is deliberate and willful. This is an exceptional case warranting an award of treble damages to Allu Finland under 35 U.S.C. § 284 and an award of its reasonable attorneys' fees and costs for the maintenance of this action under 35 U.S.C. § 285.

COUNT TWO - INFRINGEMENT OF U.S. PATENT NO. 8,122,620

29. Allu Finland hereby realleges the allegations contained in paragraphs 1 through 28 of the Complaint as though fully set forth herein.

30. Allu Finland is the owner by assignment of United States Patent No. 8,122,620 (the '620 patent), which was duly and legally issued by the United States Patent and Trademark Office on February 28, 2012, for an invention entitled "Screening, Crushing, or Mixing Bucket" (Copy attached as *Exhibit B*).

31. The '620 patent is valid and enforceable.

32. The '620 patent grants Allu Finland the exclusive right to make, use, offer for sale, and/or sell the screening, crushing, and mixing bucket incorporating the inventions disclosed therein.

33. Rock Tools owns, uses, operates, advertises, controls, sells, and otherwise provides products and/or services that infringe the '620 patent.

34. The '620 patent provides, among other things, "[a] screening, crushing or mixing bucket, which is formed into the bucket of an excavating machine or bucket loader, comprising: a bottom plate; side walls; working drums at a rear part of the bucket rotatable about their shafts, which screen, crush or mix material in the bucket as they rotate and at the same time deliver screened, crushed or mixed material out of the bucket, between or through the working drums; and casings for a power transmission and bearings of the working drums, the casings being limited by frame plates to which bearing housings of the working drums are attachable, wherein: a mudguard is fixed on an inner side of the frame plate or an inner side of the side wall, which extends between the shafts of the working drums, next to lead-throughs of the shafts, the mudguard comprises cut-outs for receiving the shafts of the working drums, the working drums comprise end flanges which are located on an opposite side of the frame plate with respect to the bearing housing, immediately adjacent to the frame plate, the mudguard extends next to the end flanges so that at least a part of each end flange remains between the frame plate and the mudguard to guide the material being processed past the slot between the end flange and the frame plate, and the end flanges rotate with each working drum attached to the shaft of the working drum."

35. Rock Tools directly and/or through intermediaries, made, has made, used, imported, provided, supplied, distributed, sold, and/or offered for sale products and/or services that infringed one or more claims of the '620 patent, including at least Claim 1, in this district and elsewhere in the United States. Particularly, Rock Tool's "Crushing/Screening Buckets," including at least models RTB20 and RTB25, infringe at least Claim 1 of the '620 patent.

36. By making, using, importing, offering for sale, and/or selling such products and services, and all like products and services, Rock Tools has injured Allu Finland and is thus liable for infringement of the ‘620 patent pursuant to 35 U.S.C. § 271.

37. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each are a screening, crushing or mixing bucket, which is formed into the bucket of an excavating machine or bucket loader.

38. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have a bottom plate.

39. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have side walls.

40. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have working drums at a rear part of the bucket rotatable about their shafts, which screen, crush or mix material in the bucket as they rotate and at the same time deliver screened, crushed or mixed material out of the bucket, between or through the working drums.

41. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each casings for a power transmission and bearings of the working drums, the casings being limited by frame plates to which bearing housings of the working drums are attachable.

42. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have a mudguard that is fixed on an inner side of the frame plate or an inner side of the side wall, which extends between the shafts of the working drums,

next to lead-throughs of the shafts, and the mudguard comprises cut-outs for receiving the shafts of the working drums.

43. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have working drums that comprise end flanges which are located on an opposite side of the frame plate with respect to the bearing housing, and, immediately adjacent to the frame plate, the mudguard extends next to the end flanges so that at least a part of each end flange remains between the frame plate and the mudguard to guide the material being processed past the slot between the end flange and the frame plate.

44. Based on present information and belief, including from its investigation, the RTB20 and RTB25 products each have end flanges that rotate with each working drum attached to the shaft of the working drum.

45. In the alternative, because the manner of use by Rock Tools differs in no substantial way from language of the claims, if Rock Tools is not found to literally infringe, Rock Tools infringes under the doctrine of equivalents.

46. Rock Tools' aforesaid activities have been without authority and/or license from Allu Finland.

47. Allu Finland is entitled to recover from Rock Tools the damages sustained by Allu Finland as a result of the Rock Tools' wrongful acts in an amount subject to proof at trial, which, by law, cannot be less than a reasonable royalty, together with interest and costs as fixed by this Court under 35 U.S.C. § 284.

48. Allu Finland provided a hard copy of the '620 patent to Michael Price, Manager of Rock Tools. As such, Rock Tools has been and is aware of the '620 patent and Rock Tools'

infringement has been and continues to be in total disregard of Allu Finland's exclusive rights under the '620 patent.

49. Rock Tools' infringement is deliberate and willful. This is an exceptional case warranting an award of treble damages to Allu Finland under 35 U.S.C. § 284 and an award of its reasonable attorneys' fees and costs for the maintenance of this action under 35 U.S.C. § 285.

PRAYER FOR RELIEF

WHEREFORE, Allu Finland prays that this Court enter judgment as follows:

A. Judgment that Rock Tools and those in privity therewith have infringed U.S. Patent Nos. 7,954,263 and 8,122,620;

B. Judgment that Rock Tools' infringement of U.S. Patent Nos. 7,954,263 and 8,122,620 was willful;

C. Award Allu Finland compensatory damages and prejudgment interest thereof for Rock Tools' acts of infringement of U.S. Patent Nos. 7,954,263 and 8,122,620;

D. Award treble damages for willful infringement of U.S. Patent Nos. 7,954,263 and 8,122,620;

E. Permanently enjoin Rock Tools from further infringement of U.S. Patent Nos. 7,954,263 and 8,122,620;

F. Judgment that this is an exceptional case under 35 U.S.C. § 285 warranting an award of Allu Finland's attorneys' fees; and

G. Award Allu Finland its costs, expenses and such other relief as are deemed just and equitable.

JURY DEMAND

Allu Finland demands a trial by jury on all matters and issues triable by a jury.

Respectfully submitted,

/s/ Drew Cleary Jordan

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